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### REMARKS

In the above-referenced Office Action, the Examiner withdrew the finality of the prior Office Action and withdrew the indication of allowability of claims 4 and 5 in view of a newly cited reference. The Examiner then rejected claims 1, 2 and 5 under 35 U.S.C. §102(e) as being anticipated by Barton et al. (U.S. Patent 6,190,793). The Examiner also indicated that claims 6, 7, 9, 12 and 13 are allowed.

By this Amendment, claims 1, 2 and 5 are amended. Independent claims 1 and 5 are amended to include patentable limitations. Dependent claim 2 is amended to provide proper antecedent basis. Claims 3, 4, 8, 10 and 11 were previously canceled. Claims 14-26 were previously withdrawn from consideration in the Response To Restriction Requirement filed June 17, 2003. Allowable claims 6, 7, 9, 12 and 13 previously presented with markings to indicate changes to the immediate prior version are re-presented with the markings removed.

### Claim Rejections – 35 U.S.C. §102

Pursuant to paragraphs 2 and 3 of the Office Action, claims 1, 2 and 5 stand rejected under 35 U.S.C. §102(e) as being anticipated by Barton et al. The Examiner asserts that Barton et al. discloses “a structure that meets all the limitations recited in the body of the claim.” The Examiner admits that Barton et al. does not disclose a fiber management frame, but explains that patentable weight is not being given to the preamble because the body of the claim does not recite structure having any relationship to fiber management. In particular, the Examiner asserts that Barton et al. “discloses a structure comprising a support 565, a pair of tension members 585 spaced apart from one another and extending toward the support member 565, and a handle 580 interconnecting the pair of tension members 585. The tension members 585 exert a force having a component directed toward the support 565. Although Barton et al. does not disclose the element 580 as a handle, it can be viewed as a handle because it can be manipulated with a hand. ... Also, the tension members include an upturned lip to facilitate lifting of the tension

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member.” Office Action at pages 2-3.

Applicants respectfully traverse the rejection for at least the following reasons. Independent claim 1 is amended herein to recite that the tension members are *elastic* and *retain at least one optical fiber connection tray between the tension members and the support*. In addition, claim 1 is amended to clarify that the handle is adapted for *displacing the tension members relative to the support*. Independent claim 5 is amended herein to recite that the at least one tension member is *elastic* and *retains at least one optical fiber connection tray between the tension members and the support*. In addition, claim 5 is amended to clarify that the upturned lip facilitates lifting of the tension member relative to the support. Dependent claim 2 is amended herein to provide proper antecedent basis for the pair of tension members.

Barton et al. does not disclose a structure having one or more tension members for retaining at least one optical fiber connection tray. In addition, the “handle” 580 of the Barton et al. structure is not adapted for displacing the tension members(s) relative to the support 565. Thus, independent claim 1 is patentable. Claim 2 depends directly from patentable base claim 1, and thus, is likewise allowable for at least the same reasons. Independent claim 5 is patentable for the same reason that Barton et al. does not disclose at least one tension member for retaining at least one optical fiber connection tray. Accordingly, Applicants respectfully request the Examiner to withdraw the rejection of claims 1, 2 and 5 under 35 U.S.C. §102(e). It should be further noted that Bruckner et al. previously applied against independent claims 1 and 5 does not disclose one or more *elastic* tension members.

#### **Allowable Subject Matter**

Pursuant to paragraphs 4 and 5 of the Office Action, claims 6, 7, 9, 12 and 13 stand allowed. Applicants gratefully acknowledge the Examiner’s indication of allowable subject matter and the accompanying statement of reasons for allowance. Claims 1, 2 and 5 are patentable for at least the reasons stated herein. Claims 3, 4, 8, 10 and 11 are canceled and

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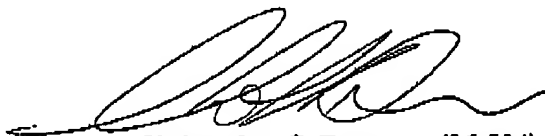
claims 14-26 are withdrawn from further consideration. As a result, this Amendment places the application in condition for immediate allowance. Accordingly, Applicants respectfully request the Examiner to issue a Notice of Allowability for the pending claims 1, 2, 5-7, 9, 12 and 13.

### CONCLUSION

In view of the foregoing amendments and remarks, Applicants submit that the pending claims 1, 2, 5-7, 9, 12 and 13 are patentable and that the application is in condition for immediate allowance. This Amendment is being timely filed and no new claims are presented for examination. Thus, no fees are believed to be due. Regardless, the Examiner is authorized to charge any required fees, including any fee for excess claims or any fee for an extension of time not already accounted for, to Deposit Account No. 19-2167. The Examiner should credit any overpayment of fees to Deposit Account No. 19-2167.

The Examiner is encouraged to telephone the undersigned directly to discuss the merits of this application and thereby resolve any outstanding issues in order to expedite passage of the application to allowance.

Respectfully submitted,



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